

REMARKS

The present amendment is submitted in response to the Office Action dated October 22, 2008, which set a three-month period for response, making this amendment due by January 22, 2009.

Claims 1-12 are pending in this application.

In the Office Action, claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05030701 to Hirakawa in view of U.S. Patent No. 5,959,381 to Fischer et al.

The Applicant notes with appreciation the allowance of claims 1-11

The Applicant respectfully submits, however that claim 12 also is allowable over the art of record, specifically, the combination of Hirakawa and Fischer. As the Examiner correctly states in the outstanding Office Action, Hirakawa provides no suggestion of forming an inner ring 40 on the spring element. As argued previously, Hirakawa's Fig. 4 merely shows an axial wire end, which is inserted with play into the receiver 9 of the rotor 1. Contrary to the Examiner's position as stated in the Office Action, no rotor is disclosed in Hirakawa which is comprised of multiple lamella layers.

Indeed, the figures of this reference show multiple parallel lines on the stator and the rotor. However, these serve only to illustrate differences of different components, for example, the stator element 17, which is shown by way of example is cross-hatched. While Fischer shows a spring element with an inner and outer ring, this serves only for attachment of a slide bearing 34 in a

housing part 14 and has no contact to rotating rotor body. The rotor body is shown for example in Fig. 1 in the lower half of the figure, whereby here multiple laminate layers are designated. However, the practitioner still receives no teaching or suggestion to connect the outer ring of the spring element directly with the end face of the armature lamination core.

Thus, claim 12, which includes the feature that the outer ring of the spring element is attached directly to the end face of the armature lamination core, is not anticipated by nor rendered obvious over the combination of the Hirakawa and Fischer references.

However, to more clearly distinguish the subject matter of claim 12 over the cited references, claim 12 was amended to add the features of claim 6. New claim 13 also was added, which combines the features of claim 12 and 7. Finally, new claim 14 was added, which recites the features of claim 12 and the features that on the lamination core, a recess (38) is formed, wherein the outer ring engages in said recess (38), wherein to form the recess (38), some of said lamella layers have a larger annular recess (38) than an uppermost lamina layer on an end face (36) of the rotor component (34). Support for these features can be found in the specification in the paragraph bridging pages 5-6.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not

make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', written over the printed name.

Michael J. Striker

Attorney for Applicant(s)

Reg. No. 27233

103 East Neck Road

Huntington, New York 11743

631-549-4700